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Illegal, illegitimate, unlawful power after **1992** .

" **Is the judiciary legitimate in Bulgaria** ? "

To answer this question, we should start with what the legal concept of "legitimate" means in Bulgarian.

It means: " *who **has** a legal right; exists or **acts** in accordance with, in accordance with the Law; lawful, lawful* "; who is empowered, **authorized** , authorized by the Law.

Secondly , it should be stated what the judiciary is.

Third , how does the judicial system acquire legitimacy, that is, legal rights, and vice versa.

Fourth , has the problem in Bulgaria been solved?

To **the second** question:

The judiciary is one of the three foundations of the modern state based on the rule of law /legislative, executive and judicial/. It should be an independent institution with bodies that exercise judicial powers in a certain territory - a certain judicial district. These are: a court, a prosecutor's office, an investigation department, together with their inherent bodies for the execution of sentences for crimes committed under the Criminal Code that have entered into legal force, and bodies for the execution of court decisions that have entered into legal force in civil cases related to the resolution of civil disputes. Judges, prosecutors and investigators should be irremovable. However, the irremovability of judges, prosecutors and investigators should be related to their property liability for the damage caused by them as a result of unlawful judicial acts - decisions, rulings, sentences - pronounced by them. This follows from the Universal **Declaration** on the Independence of the Judiciary of **the United Nations** , ECOSOC/ Economic and Social Council/ adopted at the **Seventh** Congress on Crime Prevention, held in Milan, Italy. Bulgaria is a party to this Declaration. The judiciary should have its own independent budget, independent of that of the executive branch.

The task of the judiciary is to resolve legal disputes that have arisen by reproducing justice in compliance with the legal norms in force in the country through their precise and uniform application to all citizens, central and local government bodies, citizens' associations and other public formations. The system of legal norms is built on the **basis**

of the Constitution. It is the basis and the top of the hierarchy of laws and therefore they should correspond to it. The Constitution **orders that** civil, public and state legal relations shall be resolved only by Law. In this way, it **prohibits** the preparation and application of Regulations, Ordinances and Tariffs and takes them out of use.

The goal of the judiciary and the legal system in general is to harmonize the conflicting interests of citizens and institutions in such a way as to prevent and create conditions for arbitrariness in society **through** its judicial acts.

The judicial system should be guided by a procedural **order** , operating in the present and directed towards the future. The proceedings in court cases should be **subject** to the Constitution, the substantive laws and the procedural rules valid in certain periods of time. Therefore, the legal system works with **time limits** . Generally speaking, they are indicative, prescription /which extinguish the right to seek judicial resolution of a legal dispute after the expiration of a certain time, e.g. in the case of division of inheritance /preclusive/fatal/, etc. The characteristic of preclusive time limits is that they are **explicitly stated** in the Constitution or the Law and after their **expiration** , the imperative /dominant, command/ mandatory actions ordered by them **cannot** be performed, and those performed after the expiration of the specified time limit are null and void and **have no** legal force, do not give rise to legal consequences.

The structure, bodies and principles on which the judiciary should be based are proclaimed /guaranteed, established in **an orderly** manner/ in "Chapter Six. Judicial Power" of the Constitution of the Republic of Bulgaria /in force since 13.07.1991/, adopted by the Seventh Grand National Assembly, Promulgated in the State Gazette /SG/ No. 56 of 13.07.1991/

the organization of the judiciary defined by the Constitution come into **effect ?**

According to § 4 of the Transitional and Final Provisions of the Constitution of the Republic of Bulgaria /in force from 13.07.1991/:

" *The organization of the judiciary determined by the Constitution shall enter into force after the adoption of the new organizational and procedural laws, which must be adopted within* ***the period*** *under § 3, para. 2", namely:* "within **one** year of the entry into force of the Constitution."

See "§ 3. /2/ of the Transitional and Final Provisions of the Constitution of the Republic of Bulgaria.

In other words, all structural and procedural laws related to the regulation of the judiciary: the Judicial System Act, the Civil Procedure Code, the Criminal Procedure Code, the Administrative Procedure Code, etc. should have **MANDATORY** BEEN ADOPTED BY THE LEGISLATIVE AUTHORITY **before** the expiration of the one-year period from the entry into force of the Constitution, i.e. before 13.07.1992. This **period** also applies to the Bar Act.

The period specified in §4 in connection with § 3 paragraph 2, of the Transitional and Final Provisions of the Constitution of the Republic of Bulgaria /in force from 13.07.1991/ has **a mandatory** mandatory nature and a preclusive, suspending, **stopping** effect.

This is the period within which a given right **had to** be exercised: in this case, the adoption, promulgation, and entry into force of laws related to the structure and procedural action of the judiciary.

This **period** begins to run from the moment this right arises /in this case from 13.07.1991/ and expired on **12.07.1992.**

The preclusive period by definition **does not** presuppose and **does not** allow **the violation** of this right /in this case, the issuance of laws related to the structure and procedural action of the judiciary/.

The preclusive period proclaimed by the Constitution runs with respect to **all** .

Upon its expiration, the possibility to exercise the given right **ceases** . What was done **after** the expiration of the limitation period / in this case after 13.07.1992 / was done **without** reason.

Therefore, in legal science and practice, it is rightly considered that **the limitation** period is fatal in nature.

Its fatality in this case is expressed in the fact that since the Constitution explicitly **orders** that the deadline for the adoption of all structural and procedural laws related to the regulation and procedural actions of the judiciary be 13.07.1992, then with **the expiration** of this deadline, there is **no** constitutionally compliant possibility for it to be changed, to be "extended" and its implementation to be "catch-up" at another time, later than **the specified one** .

Failure to respect the constitutionally established preclusive period, however, means that after it has expired, **whatever** actions have been taken or may be taken by the legislator to "make up" for the omissions, these **actions** are unconstitutional, illegal and null and void.

Acts of government – legislative, executive (central, local) or judicial – are null and void when they are carried out on the basis of laws **that contradict** constitutional provisions. Therefore, these acts **cannot** and do not give rise to legal consequences.

What are the facts in the Republic of Bulgaria in reality?

In contradiction with § 4 in connection with § 3 paragraph 2 of the Transitional and Final Provisions of the Constitution of the Republic of Bulgaria /in force since 13.07.1991, the various national assemblies after 13.07.1992 have adopted and promulgated laws related to the structure and procedural operation of the judicial system as follows:

The law of The judiciary was promulgated in the State Gazette, No. 59 of **1994** , with subsequent updates to the State Gazette, No. 6 of 1999 and later;

The Civil Procedure Code was published in the State Gazette, No. 59 of 20.07. **2007** ;

The Administrative Procedure Code was published in the State Gazette, No. 30 of **2006** ; The Criminal Procedure Code was published in the State Gazette, No. 86 of 2005;

The Law on the Bar was published in the State Gazette, No. 55 of **2004** ;

The Legal Aid Act was published in the State Gazette, No. 79 of **2005** .

The initial adoption and entry into force of the aforementioned laws is deliberately reflected , and the many **subsequent** "amendments and supplements" are not cited .

The delay in their issuance is obvious - 15, 16, 17 years after **the expiration** of the preclusive period.

There is a **extinguished** right due to the onset of prescription, and what was done **after** the expiration of the preclusive period / in this case after 13.07.1992 / was done **without** reason.

The adoption of the aforementioned laws **outside** the preclusive period was carried out **without** legal basis. These codes and laws are unconstitutional and **null and void** and **cannot** give rise **to any** legal consequences.

Therefore, **it cannot** require or impose compliance under **penalty of punishment .**

This conclusion follows and is imposed by the law proclaimed in Article 5, paragraphs 1 and 2 of the Constitution of the Republic of Bulgaria:

" *Art. 5./1/ The Constitution is **the supreme** law and other laws may **not** contradict it. /2/ The provisions of the Constitution have **immediate** effect.* "

In other words, with the provision of Article 5, paragraphs 1 and 2, the Constitution of the Republic of Bulgaria **repeals** the above-mentioned acts related to the regulation of the judiciary: the Judicial Power **Act , the Civil** Procedure Code, **the Criminal** Procedure Code, **the Administrative** Procedure Code, the Bar Association **Act and the** Legal Aid **Act as adopted outside** the deadline stipulated in § 4 in connection with § 3, paragraph 2 of the Transitional and Final Provisions of the Constitution of the Republic of Bulgaria /in **force** since 13.07.1991/.

The presented legal arguments also refer to the Constitutional **repeal** of the entire legislative **work** of all national assemblies after July 13, 1992 until today, 2025!

After these acts are **repealed** by the Constitution, judges, prosecutors and investigators are **not** irremovable, and the judicial reform proclaimed in the Constitution of the Republic of Bulgaria **has not been** implemented.

CONCLUSIONS From the above, the conclusion follows that **the judiciary** in the Republic of Bulgaria **is not legitimate** .

The lack of legitimacy of **the judiciary** , however, leads to numerous problems and **negative** consequences related to other authorities - legislative, presidential, executive /central government and local government bodies/, etc.

First **of** all,

This means that the task of the judiciary to resolve legal disputes that have arisen by reproducing justice in compliance with the legal norms in force in the country through their precise and uniform application to all citizens, central and local government bodies, citizens' associations and other public formations **is not being** fulfilled.

The goal of the legal system to harmonize the conflicting interests of citizens and institutions in such a way as to **prevent** and **create** conditions for arbitrariness in society through its judicial acts is **not** being achieved. On the contrary, a large part of judicial acts reinforces the belief among citizens that **there is no justice and that arbitrariness** reigns in society .

illegitimate, unauthorized, unentitled, and unauthorized by laws consistent with the Constitution, individuals work in the "judicial system."

Since cases in the judicial system are filed by unauthorized, **unauthorized** , and illegitimate persons, they are **null and void** , and the decisions on them **cannot** give rise to the legal consequences inherent in legitimate judicial acts.

This conclusion follows from the fact that the Constitution of the Republic of Bulgaria, with its direct effect, declares **the nullity** of these judicial acts. Including the formation, issuance of orders and decisions on all tens of thousands of cases **illegally filed by the courts under the null and void** Civil Procedure Code, which is completely **contrary** to the Constitution .

Secondly ,

Due to **the lack** of legitimacy of the judiciary, all **registrations** and re-registrations of political parties in the Republic of Bulgaria carried out by the courts after July 13, 1992 **cannot** give rise to legal consequences inherent in legitimate judicial acts.

With its direct effect, the Constitution of the Republic of Bulgaria **annuls** the actions of the courts **after** 13.07.1992 and declares the nullity of their decisions on the registration of political parties as made by incompetent and **unauthorized** persons.

In turn, this judicial **illegitimacy** is reflected in the electoral law after July 13, 1992 and casts doubt on the conduct of **legitimate** elections for members of parliament, president and vice president, government, local authorities, etc., as well as **the legitimacy** of the bodies, unions, agencies, associations and other organizations, joint-stock companies, etc. established or formed by them, as well as the decisions on membership in them.

a political entity/a party or coalition/ that was not legally registered under the Political Parties Act before July 13 , 1992 to participate in any election after July 13, 1992 , for there to be a flawed election and for the elected representative or body to be illegitimate.

These arguments also apply to the organization, conduct, and announcement of results in presidential elections.

Thirdly ,

The lack of legitimacy in relation to the people's representatives, the National Assembly, in turn, means that:

This forum, whose members they are, **does not have** the authority or competence to make policy; **to elect** and vote for the members of the executive branch /government/; **to elect** constitutional judges and members of the Supreme Judicial Council from its quota; **to amend** or supplement the Constitution of the Republic of Bulgaria; **to vote** , adopt and promulgate laws; **to ratify** interstate agreements and treaties; **to make** decisions regarding the country's membership in international organizations and unions; **to determine its own** remuneration, etc. Such an assembly has no authority.

In **fourth** place,

The lack of legitimacy in relation to the people's representatives, the National Assembly, also means **the lack** of legitimacy of the executive branch - the government.

On the grounds that it was broadcast by **an illegitimate** legal entity – **an illegitimate** people's representative body.

This chain of **lack** of legitimacy leads to a crisis in **all** institutions of power: legislative, presidential, executive /government, local government/ and judicial, and characterizes the presence of a constitutional crisis.

In other words, the Republic of Bulgaria is currently in a parliamentary, presidential, and governmental crisis; in a crisis of local government, in a crisis of the judiciary, and also in an economic crisis.

The direct effect of constitutional norms **repeals** laws that contradict them. All after July 13, 1992. There are **many of these laws** and almost all of them are related to **payments** .

In protecting the rights and freedoms, and the interests of Bulgarian citizens, the provision of Article 60, paragraph 1 of the Constitution is particularly important:

"Art. 60./1/ Citizens are obliged to pay taxes and fees established by LAW, **ACCORDING TO** THEIR INCOME AND PROPERTY."

Such a law, determining the amount of taxes and fees according to the income and property of an individual, **has not been adopted** and issued **after** 07/13/1991 and until 03/08/2010 until 02/12/2025.

It is worth noting here that “fees” are also **taxes** , albeit indirect ones. Moreover, they are **many** and quite diverse: for example, for identity documents, for transport tickets, for cinema, for theatre, for parking, for “blue zone”, for “spider”, for buildings, for garbage, for electricity, for water, for district heating, for telephones, for internet, for cable television, for education, for medical roads and paths and many, many **others** .

In other words, on the basis of **the direct** effect of the Constitution of the Republic of Bulgaria, in force since 13.07.1991:

There is no garbage fee; there is no electricity fee; there is no district heating fee. / The thousands of cases under the so-called "injunction" proceedings under Art. 410 of the Code of Civil Procedure, etc. initiated **under** the Code of Civil Procedure , **which does not give rise to** legal consequences and is completely **contrary** to the Constitution, must be terminated.

There is no telephone fee; no transport ticket fee; no road tax; no vignettes, no "blue" zone fees, no "spider" fines, etc. There is no garbage tax, no building tax. There are no electricity, water, district heating fees. There is no paid state education system. There is free state medical care, but also paid private medical care, tailored to the income and property of each individual and so on. In short: NO FEES, NO TAXES in the form in which they are imposed by the government.

In **conclusion** :

The proposal of the author of this legal analysis is:

To find and use only State Gazette No. 56 of July 13, 1991, in which the last Constitution of the "third Bulgarian state" was promulgated.

The use of electronic media for studying legal norms **is not** recommended. Moreover, electronic media of legal information contain invalid amendments and supplements to the Constitution made after 13.07.1992 /during the period 2003-2007-2025/

In addition, practice has shown that electronic media **do not always** accurately reproduce all the provisions of the laws promulgated in the State Gazette.

The Constitution of the Republic of Bulgaria has **mandatory** effect on the territory of the Republic of Bulgaria and towards all Bulgarian citizens, **wherever** they may be /Art. 4, Art. 36 para. 1/.

Foreigners residing in the Republic of Bulgaria have all rights and obligations under this Constitution, with the exception of the rights and obligations for which the Constitution requires Bulgarian citizenship /Art. 26, para. 2, Art. 27/.

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